

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

FILED

JUL 28 2017

Clerk, U.S. Courts
District Of Montana
Missoula Division

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LESTER DEAN OXENDINE,

Defendant.

CV 16-17-BU-DLC-01

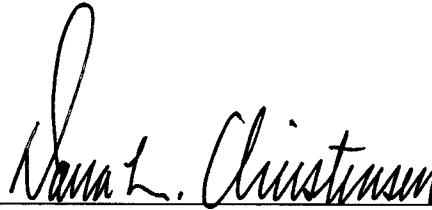
ORDER
NUNC PRO TUNC

On July 5, 2017, the Government moved for the release of the transcript of an *ex parte* hearing held October 31, 2016. (Doc. 200.) In the motion, the Government states that counsel for Defendant, Dwight Schulte, “was not available for comment.” (*Id.*) Consequently, on July 7, 2017, the Court ordered counsel for the Defendant, Dwight Schulte, to file an optional response to the Government’s Motion on or before July 14, 2017. (Doc. 201.) Because no response was received, the Court presumes that Defendant and his counsel do not object to the release of the transcript. Though the Court has some concerns that this transcript contains discussions which border on the realm of attorney-client privilege, the Defendant and his counsel’s lack of objection to their release obviates those concerns.

Accordingly, IT IS ORDERED that the Plaintiff's Motion to Release the Transcript of *Ex Parte* Motion Hearing Held on October 31, 2016 (Doc. 200) is GRANTED.

IT IS FURTHER ORDERED that the transcript of the October 31, 2016 hearing (Doc. 202) shall be released to Plaintiff. However, this transcript shall remain sealed to the public.

Dated this ~~20~~th day of July, 2017.

A handwritten signature in black ink, reading "Dana L. Christensen". The signature is written in a cursive style with a large, looping initial "D".

Dana L. Christensen, Chief Judge
United States District Court